

# Exhibit A

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW JERSEY

3 IN RE JOHNSON & JOHNSON TALCUM  
4 POWDER PRODUCTS, MARKETING,  
5 SALES PRACTICES, AND PRODUCTS  
6 LIABILITY LITIGATION 16-MD-2738-MAS-RLS  
7 STATUS CONFERENCE

8  
9 CLARKSON S. FISHER BUILDING & U.S. COURTHOUSE  
10 402 East State Street, Trenton, New Jersey 08608  
11 September 6, 2023  
12 Commencing at 9:59 a.m.

13 B E F O R E : THE HONORABLE MICHAEL A. SHIPP  
14 UNITED STATES DISTRICT JUDGE  
15 THE HONORABLE RUKHSANAH L. SINGH  
16 UNITED STATES MAGISTRATE JUDGE

17 A P P E A R A N C E S :

18 FOR PLAINTIFFS:

19 ASHCRAFT & GERAL  
BY: MICHELLE A. PARFITT, ESQUIRE  
20 BY: JAMES GREEN, ESQUIRE

21 BEASLEY ALLEN  
BY: P. LEIGH O'DELL, ESQUIRE

22 COHEN PLACITELLA & ROTH  
BY: CHRISTOPHER PLACITELLA, ESQUIRE  
23 BY: JUSTIN PLACITELLA, ESQUIRE

24 Proceedings recorded by mechanical stenography  
Transcript produced by computer-aided transcription

25 Shannan Gagliardi, Official Court Reporter  
shannan\_gagliardi@njd.uscourts.gov  
(609) 851-2750

1 GOLOMB SPIRT & GRUNFELD  
2 BY: RICHARD GOLOMB, ESQUIRE

3 MOTLEY RICE  
4 BY: DANIEL LAPINSKI, ESQUIRE

5 GRANT & EISENHOFER  
6 BY: SINDHU DANIEL, ESQUIRE

7 MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN  
8 BY: VICKI MANIATIS, ESQUIRE

9 NAPOLI SHKOLNIK  
10 BY: CHRIS LoPALO, ESQUIRE

11 FOR DEFENDANT JOHNSON & JOHNSON:

12 FAEGRE DRINKER BIDDLE & REATH  
13 BY: SUSAN M. SHARKO, ESQUIRE  
14 BY: ERIC FRIEDMAN, ESQUIRE

15 SHOOK HARDY & BACON  
16 BY: KATHLEEN FRAZIER, ESQUIRE

17 SKADDEN ARPS  
18 BY: ALLISON BROWN, ESQUIRE

19 KING & SPALDING  
20 BY: KRISTEN FOURNIER, ESQUIRE

21 JOHNSON & JOHNSON  
22 BY: ANDREW C. WHITE, ESQUIRE

23 FOR DEFENDANT PCPC:

24 SEYFARTH SHAW  
25 BY: DAVID KATZENSTEIN, ESQUIRE  
BY: RENÉE APPEL, ESQUIRE

26 FOR DEFENDANT PTI:

27 HARDIN KUNDLA McKEON & POLETTO  
28 BY: JANET POLETTO, ESQUIRE

1                   And then third, a list of dispositive motions that  
2 are pending.

3                   If there are any discrepancies, when the Court  
4 reviews the joint submission, we'll follow up with counsel.  
5 But I'd like for you folks to meet-and-confer and e-file a  
6 joint submission by next week, a week from today, which would  
7 be about September -- I have to look at my calendar here,  
8 September 12. Let's have them on September 12.

9                   The next item I have is a scheduling order. Counsel  
10 submitted proposed forms of scheduling orders. The proposed  
11 scheduling orders are identical with the exception of  
12 paragraph 8, which addresses dispositive and Daubert motions.

13                  Plaintiffs' version of paragraph 8 reads as follows:  
14 Quote, dispositive motions, including any Daubert motions  
15 relating to case-specific and general expert opinions not  
16 previously addressed by the Court's April 27, 2020 Daubert  
17 opinion, shall be filed by May 6, 2024.

18                  Defendant's version of that same paragraph 8 reads as  
19 follows: Quote, dispositive motions, including Daubert  
20 motions, shall be filed by May 6, 2024, closed quote.

21                  I've reviewed your written submissions regarding  
22 this. Is there anything else you need to briefly add for the  
23 record? And, again, you folks have done a really comprehensive  
24 job setting forth your respective positions, but I do want to  
25 afford you an opportunity in case there's something additional

1 MS. PARFITT: Yeah. And counsel reminds me that,  
2 certainly, if they change their mind and said, oh, I was wrong,  
3 there is no causation, certainly that would be permitted. I  
4 assure the Court that's not happening. That's the Perry Mason  
5 difference, right? That doesn't happen in our world.

6 Thank you. And I stand ready to answer any other  
7 questions.

8 THE COURT: Thank you, Ms. Parfitt.

9 Ms. Sharko.

10 MS. SHARKO: So the problem with plaintiffs' proposed  
11 language is that it would handcuff the Court and handcuff  
12 counsel to a hearing that took place in 2019, to reports that  
13 were written in 2019, to an opinion based on the law as it  
14 existed in 2020, and to a different rule. And we think that  
15 that's inappropriate.

16 A practical solution here is to adopt the defense  
17 language, which has no reference to the Daubert opinion. And  
18 then when we make our Rule 702 challenges on specific causation  
19 and other issues, if the plaintiffs think that we are not  
20 following what Chief Judge Wolfson would have done based on  
21 2019 science and 2020 law, they can raise that in their  
22 opposition, we can respond, and you will rule on that. But you  
23 shouldn't foreclose any arguments on 702 that may have been  
24 raised before.

25 Now, there have been new articles. We cited some of